

Notice of Allowability

Application No.

10/671,736

Applicant(s)

TAGUCHI ET AL.

Examiner

Helene Klemanski

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and TD filed August 29, 2005.
2. ☒ The allowed claim(s) is/are 1-12, 14, 16, 18 and 20-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

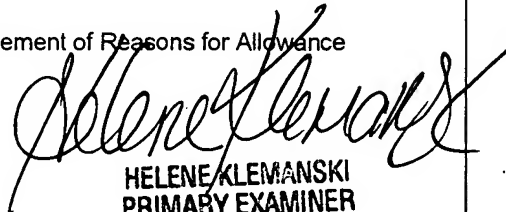
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

Terminal Disclaimer

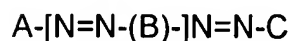
1. The terminal disclaimer filed on August 29, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No's. 10/809,550, 10/714,945, 10/808,464, 10/671,729, 10/806,453 and 10/645,797 has been reviewed and is accepted. The terminal disclaimer has been recorded.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: This application teaches a black ink for ink-jet recording comprising (1) a dye having a λ_{\max} of 500-700 nm dissolved or dispersed in an aqueous medium of the formula



wherein A, B and C each independently represent a substituted or unsubstituted aromatic or heterocyclic group provided that two or more of A, B and C is a substituted or unsubstituted, unsaturated heterocyclic group; m is 1 or 2 and n is 1 or 2 with the specific properties as claimed and wherein the black ink has a transition metal ion content of 0.1 mmol/l or less or (2) a first dye having a λ_{\max} of 500-700 nm and a second dye having a λ_{\max} of 350-500 nm dissolved or dispersed in an aqueous medium wherein the first dye and the second dye are of the formula



wherein A, B and C each independently represent a substituted or unsubstituted aromatic or heterocyclic group provided that two or more of A, B and C is a substituted

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or unsubstituted, unsaturated heterocyclic group; m is 1 or 2 and n is 1 or 2 with the specific properties as claimed and wherein the black ink has a transition metal ion content of 0.1 mmol/l or less. Applicants arguments are persuasive to the extent that the 102(b) rejection of EP 0422668 has been withdrawn since the EP reference does not disclose or fairly suggest the azo dye of the above formula wherein two or more of A, B and C is a substituted or unsubstituted, unsaturated heterocyclic group as claimed by applicants. The closest prior art of record is U.S. Patent Application Publication No. 2004/0053988 issued to Taguchi et al., however, applicants have filed a certified English translation of their foreign priority, which entitles them to a date of September 30, 2002, which is earlier than the effective filing date of the above U.S. Patent Application Publication No. Accordingly, the 102(e) rejection over the above reference has been overcome and the application is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK
October 17, 2005